IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4535 of 2006()

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CRA.144/2006 of III ADDL.SESSIONS COURT, KOLLAM
CC.1136/2004 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOTTARAKKARA

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REVN. PETITIONER: APPELLANT/ACCUSED

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SIVAPRASAD,
S/O.KRISHNAN, SANTHOSH BHAVAN,
PARIPPALLY VILLAGE.

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

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1. P.T.EDWARD,
THAZHATHIL VEEDU, PULIPPARA.P.O,
KUMMIL VILLAGE.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.THYPARAMBIL THOMAS THOMAS

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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**Crl.R.P.NO.4535 OF 2006**

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Dated this the 19th day of December, 2006.

**ORDER**

This Revision Petition is directed against a concurrent verdict of guilty, conviction and sentence imposed on the petitioner in a prosecution under Section 138 of the Negotiable Instruments Act. The respondent has also entered appearance through counsel.

2. When this revision petition came up for hearing, the learned counsel for the petitioner and the respondent have submitted that the matter has been settled amicably between the parties. They have filed a joint application for composition duly signed by the rival contestants and counter signed by the respondent's counsel. The learned counsel for the respondent/complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence punishable under Section 138 of the N.I Act is now compoundable after amendment to the N.I Act. I am satisfied, from the submissions made by the counsel as also the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition. The composition can now be accepted and granted requisite leave under Section 320(6) Cr.P.C.

4. In the result:

i) Crl.M.A.No.13178 of 2006 is allowed and the composition is accepted after granting the requisite leave;

ii) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Section 138 of the N.I Act as stipulated under Sec.320(8) of the Cr.P.C;

iii) This revision petition is accordingly allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

5. Both counsel submit that an amount of Rs.30,000/- is in deposit before the trial court. Both counsel pray that the said amount may be released to the 1st respondent/complainant. The said request is accepted. The said amount of Rs.30,000/-, if available in deposit, shall be released to the complainant, the 1st respondent herein.

**R.BASANT**
**JUDGE**

rtr/